

Strasbourg, 19 September 2013

GT-GDR-E(2013)R2

STEERING COMMITTEE FOR HUMAN RIGHTS
(CDDH)

**DRAFTING GROUP 'E' ON THE REFORM OF THE COURT
(GT-GDR-E)**

2nd Meeting

Strasbourg

Tuesday 17 September – Thursday 19 September 2013

Agora, Meeting Room G01

MEETING REPORT

Item 1: Opening of the meeting, adoption of the agenda and order of business

1. Drafting Group E on the reform of the Court (GT-GDR-E) held its 2nd meeting in Strasbourg from 17-19 September 2013 with Mr Morten RUUD (Norway) in the chair. The list of participants appears at Appendix I. The agenda, as adopted, appears at Appendix II.

Item 2: Whether more effective measures are needed in respect of States that fail to implement Court judgments in a timely manner

2. Ms Denise RENGIER (Germany), rapporteur, presented the draft report on whether more effective measures are needed in respect of States that fail to implement Court judgments in a timely manner. The Group examined and adopted the CDDH draft report as it appears at Addendum I, with a view to its transmission to the DH-GDR for examination at its next meeting (29-31 October 2013). The Group thanked Ms Renger for her contribution to its work.

3. In the course of its discussions, the Group decided to record the following points in the Meeting Report:

- It would be useful to have statistics on the average time taken to close the different types of case, as distinguished since the introduction of new Committee of Ministers working methods in 2011, namely those under ‘enhanced’ and ‘standard’ supervision.
- It was noted that not all pending cases involved delay in execution, and that some may even have had all necessary measures implemented.
- Concerning the ‘origins of the problem’, one expert proposed an additional cause of failure to execute judgments in a timely manner, namely “objective impossibility for the State Party to implement a particular judgment”; this proposal did not receive support.
- In relation to the proposal that the Committee of Ministers work in smaller groups, it was noted that this may increase the workload of the Department for the Execution of Judgments, whose capacity may as a consequence need to be strengthened.
- It was important that the participants in Committee of Ministers’ meetings devoted to supervision of execution of judgments have the necessary legal and/ or technical competence. This would be reinforced were a member State’s Government Agent before the Court or other relevant expert to be part of the national delegation.

Item 3: Review of the functioning of the Advisory Panel of experts on candidates for election as judge to the European Court of Human Rights

4. Mr Martin KUIJER (The Netherlands), rapporteur, presented the draft report on review of the functioning of the Advisory Panel of experts on candidates for election as judge to the Court. The Group examined and adopted the CDDH draft report as it appears at Addendum II, with a view to its transmission to the DH-GDR for examination at its next meeting (29-31 October 2013). The Group thanked Mr Kuijer for his contribution to its work.

5. In the course of its discussions, the Group decided to record the following points in the Meeting Report:

- As regards the two possible responses to perceived difficulties due to the confidentiality rules, of those experts who expressed a preference, eleven favoured an approach based on keeping the current confidentiality rules and none an approach whereby the Advisory Panel would not be bound by strict confidentiality rules.
- As regards those instances in which a State Party had transmitted its list of candidates to the Parliamentary Assembly without having received the views of the Advisory Panel, the Group expressed its interest in knowing how the Assembly had proceeded.

Item 4: Whether or not to proceed to amend the Convention to enable the appointment of additional judges to the Court

6. Mr Vit SCHORM (Czech Republic), rapporteur, presented the draft report on whether or not to proceed to amend the Convention to enable the appointment of additional judges to the Court. The Group examined and adopted the CDDH draft report as it appears at Addendum III, with a view to its transmission to the DH-GDR for examination at its next meeting (29-31 October 2013). The Group thanked Mr Schorm for his contribution to its work.

Item 5: Other business

7. None.

Item 6: Adoption of the conclusions and meeting report

8. With the adoption of the three above-mentioned draft CDDH reports, the Group considered that it had fulfilled its terms of reference. It expressed its appreciation for the constructive approach shown by members throughout its work and its thanks to the Chairperson for the way in which he had conducted its meetings.

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Apologised

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Appendix II**Agenda (as adopted)****Item 1: Opening of the meeting, adoption of the agenda and order of business**General documents

- Draft annotated agenda GT-GDR-E(2013)OJ002
- Draft order of business GT-GDR-E(2013)OT002
- Report of the 1st meeting of the GT-GDR-E (22-24 May 2013) GT-GDR-E(2013)R1
- Report of the 78th meeting of the CDDH (25-28 June 2013) CDDH(2013)R78
- Report of the 77th meeting of the CDDH (19-22 March 2013) CDDH(2013)R77
- Report of the 75th meeting of the CDDH (19-22 June 2012) CDDH(2012)R75
- Report of the 4th meeting of the DH-GDR (5-7 June 2013) DH-GDR(2013)R4
- Report of the 3rd meeting of the DH-GDR (13-15 February 2013) DH-GDR(2013)R3
- Report of the 2nd meeting of the DH-GDR (29-31 October 2012) DH-GDR(2012)R2
- Brighton Declaration CDDH(2012)007
- Follow-up to the high level Conference on the future of the European Court of Human Rights (Brighton, 18-20 April 2012) CDDH(2012)009REV.
- Resolution of the Committee of Ministers on intergovernmental committees and subordinate bodies, their terms of reference and working methods CM/Res(2011)24

Item 2: Whether more effective measures are needed in respect of States that fail to implement Court judgments in a timely mannerWorking document

- Draft CDDH report on whether more effective measures are needed in respect of States that fail to implement Court judgments in a timely manner GT-GDR-E(2013)013

Reference documents

- Compilation of comments on whether more effective measures are needed in respect of States that fail to implement Court judgments in a timely manner GT-GDR-E(2013)009
- Programme of the exchange of views with representatives of civil society and other independent experts GT-GDR-E(2013)001
- List of invited participants GT-GDR-E(2013)001
Appendix
- CDDH report containing conclusions and possible proposals for action on ways to resolve the large numbers of applications arising from systemic issues identified by the Court CDDH(2013)R78
Addendum III

- Memorandum on the Parliamentary Assembly's proposal to introduce a system of financial sanctions or *astreintes* on states who fail to implement judgments of the Strasbourg Court GT-GDR-E(2013)002
- Observations by ETUC to the GT-GDR-E on 'execution of judgments' (English only) GT-GDR-E(2013)003
- Measures to improve the execution of the judgments and decisions of the Court – Working document under discussion within the GT-REF.ECHR GT-REF.ECHR(2013)2rev2
- Proposals by A. Bultrini concerning supervision by the Committee of Ministers of execution of judgments GT-GDR-E(2013)006

Item 3: Review of the functioning of the Advisory Panel of experts on candidates for election as judge to the European Court of Human Rights

Working document

- Draft CDDH report on the review of the functioning of the Advisory Panel of experts on candidates for election as judge to the European Court of Human Rights GT-GDR-E(2013)014

Reference documents

- Compilation of comments on the review of the functioning of the Advisory Panel of experts on candidates for election as judge to the European Court of Human Rights GT-GDR-E(2013)010
- Committee of Ministers' Resolution on the establishment of an Advisory Panel of experts on candidates for election as judge to the European Court of Human Rights CM/Res(2010)26
- Ministers' Deputies exchanges of views with Mr Luzius Wildhaber, Chairman of the Advisory Panel of Experts on Candidates for Election as Judge to the European Court of Human Rights (4 April 2012 & 30 January 2013) DH-GDR(2013)005
- Written contribution by the Advisory Panel GT-GDR-E(2013)004Rev
- Supplementary Operating Rules of the Advisory Panel GT-GDR-E(2013)016

Item 4: Whether or not to proceed to amend the Convention to enable the appointment of additional judges to the Court

Working document

- Draft CDDH report on whether or not to proceed to amend the Convention to enable the appointment of additional judges to the Court GT-GDR-E(2013)015

Reference documents

- Comments on whether or not to proceed to amend the Convention to enable the appointment of additional judges to the Court GT-GDR-E(2013)011
- Intervention of the Court Registrar to the meeting of the ad hoc Working Party on Reform of the Human Rights Convention system (GT-REF.ECHR) GT-GDR-E(2013)012

on 9 July 2013 (English only)

- CDDH Final Report on measures requiring amendment of the European Convention on Human Rights/ CDDH Report on increasing the Court's capacity to process applications

CDDH(2012)R74
Addendum I/ Appendix
IV, Section 1

Item 5: Other business

Item 6: Adoption of the conclusions and meeting report

Working document

- Draft Report of the 2nd GT-GDR-E meeting (17-19 September 2013)

GT-GDR-E(2013)R2